

REMARKS

Claims 1-23 are pending. Claims 1, 12, 13, 17, 22, and 23 have been amended. No new matter has been introduced. Reexamination and reconsideration of this application are respectfully requested.

In the August 9, 2007 Office Action, the Examiner rejected claims 1-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0212617 to Fitzmaurice et al. ("Fitzmaurice"). This rejection is respectfully overcome for the reasons discussed below.

The Examiner stated that Fitzmaurice teaches a method comprising (emphasis in original):

- Detecting an input (page 1, Para 0020 and page 3, Para 0037-0043 and Figures 7-15). Fitzmaurice teaches detecting a user's selection of a menu item.
- Defining a mark at a position relative to the input (Fitzmaurice Figure 8). Fitzmaurice shows a mark relative to the input by showing the line segment extending from the center mark
- Displaying a plurality of selections (Fitzmaurice Figures 5-9 and 12-16). Fitzmaurice shows a plurality of selections.
- Moving a first segment based on the input, wherein the first segment comprises a first end positioned at the mark and a second end distant from the first end (Fitzmaurice Figure 29 and Para 60). Fitzmaurice teaches the movement of a menu by the user moving the stylus and shows a line segment extending from a given marked menu where the first end is on the icon or menu and the second end is distant from the first end (See figure 8).
- Detecting a location of the second end of the first segment relative to the plurality of selections (Fitzmaurice Figure 7-9). Fitzmaurice teaches detecting the location of the stylus in relation to the next menu level options and shows the computer detects the second end of the second menu by making a section (Shown in figure 9 and 10)
- Highlighting a particular selection of the plurality of selections when the second end of the first segment is within an area if the particular selection (Fitzmaurice figure 9 and 10). Fitzmaurice teaches highlighting a particular selection when the user moves the stylus over the selection and where the second end of the line segment intersects with the selection to be highlighted (See Para 0034 and 0039)
- Selecting the particular selection based on the second end of the first segment being located within the area of the particular selection of the plurality of selections (Fitzmaurice Figures 7-9). Fitzmaurice shows selecting the function once the user has indicated though input to operate the menu function (See Para 0029).

Independent claim 1, as amended recites (with emphasis added):

1. A method comprising:
detecting an input;
defining a mark at a position relative to the input;
displaying a plurality of selections;

displaying a first segment, the first segment comprising a first end positioned at the mark and a second end distant from the first end;
moving the second end of the first segment based on the input, the moving including rotating the first segment around the mark;
detecting a location of the second end of the first segment relative to the plurality of selections;
highlighting a particular selection of the plurality of selections when the second end of the first segment is within an area of the particular selection; and
selecting the particular selection based on the second end of the first segment being located within the area of the particular selection of the plurality of selections.

Fitzmaurice discloses a user interface for a display of a pen-based computer, such as a tablet PC or a PDA. A feature is the placement of target components within a command corner in the lower left-hand corner of the display, as shown in FIG. 3. The target components are placed in this location to take advantage of the natural arc motion of a user's arm pivoting at the elbow, moving a hand holding a stylus across the display where the user is working in the center of the screen. [Para. 28.] The user can select from the target components by marking (with the stylus) over a dialog box, as shown in FIGS. 9 and 10. [Para. 38.] As shown in FIGS. 8 and 14, a line is drawn from a preferred icon to a command in a popup window. FIGS. 8 and 14 both illustrate that the line drawn is *static*. The line appears to follow the exact path traced by a user moving a stylus.

Fitzmaurice does not disclose or suggest (a) displaying a first segment, the first segment comprising a first end positioned at the mark and a second end distant from the first end; or (b) moving the second end of the first segment based on the input, *the moving including rotating the first segment around the mark*, as is required by claim 1. By moving the second end, including rotating the first segment around the mark, an intuitive interface is provided that makes the selection of various selection elements fun and easy for the user. Such benefit is not realized by use of the static line shown in Fitzmaurice.

Therefore, applicants respectfully submit that independent claim 1, and claims 2-11 and 23 depending therefrom, distinguish over Fitzmaurice. Independent claims 12, 13, 17, and 22 all contain distinguishing limitations similar to those of claim 1 and therefore also distinguish over Fitzmaurice. Claims 14-16 and 18-21 depend from claims 13 and 17, respectively, and therefore also distinguish over Fitzmaurice for at least the same reasons as those discussed above with respect to claims 13 and 17, respectively.

Moreover, claim 23 further distinguishes over Fitzmaurice. Claim 23 recites (with emphasis added):

23. The method according to claim 1, wherein **the highlighting the particular selection of the plurality of selections comprises enlarging a display of the particular selection relative to the other selections of the plurality of selections.**

Fitzmaurice discloses “highlighting a control when the cursor/stylus passes over (or close to) the control.” [Para. 63.] However, Fitzmaurice does not disclose or suggest that the highlighting comprises *enlarging a display of the particular selection* relative to the other selections of the plurality of selections. By enlarging a display of a particular selection, a user can quickly determine the closest particular selection to the second end of the first segment. Accordingly, claim 23 further distinguishes over Fitzgibbon.

Applicants therefore respectfully submit that the rejection of claims 1-23 under 35 U.S.C. §102(b) should be withdrawn.

Applicants believe the foregoing amendments place the application in condition for allowance and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call Thomas F. Lebens at the California telephone number (805) 781-2865 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

By: James Wakely
James Wakely
Registration No. 48,597

Date: November 9, 2007

Address all correspondence to:
Sinsheimer Juhnke Lebens & McIvor, LLP
1010 Peach Street
San Luis Obispo, CA 93406-0031

Direct telephone inquiries to:
Thomas F. Lebens
(805) 781-2865